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10/802,239	03/17/2004	Alex A. Kipman	MS303877.01 / MSFTP582US	5256
27195	7590	01/16/2009	EXAMINER	
AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			WEI, ZHENG	
			ART UNIT	PAPER NUMBER
			2192	
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			01/16/2009 ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/802,239

**Applicant(s)**

KIPMAN ET AL.

**Examiner**

ZHENG WEI

**Art Unit**

2192

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-16, 18-20 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16, 18-20 and 22-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Remarks***

1. This office action is in response to the amendment filed on 10/13/2008.
2. Claims 17, 21 and 36 have been canceled.
3. Claims 1, 11, 20, and 32 have been amended.
4. Claims 1-6, 8-16, 18-20 and 22-35 remain pending and have been examined.

#### ***Response to Arguments***

5. Applicant's arguments filed on 10/13/2008, in particular on pages 7-9, have been fully considered but they are not persuasive. For example:

At page 8, third paragraph, the Applicants submit that Jerger requires voluntary input from the user in order to run a build process at a specific level of trust. In contrast, the claimed subject matter relates to a build process associated with different entities, each entity with a corresponding level of trust, which is executed at a permission level that is lowest of trust levels associated with the entities. By automatically selecting a lowest trust level from all the trust levels associated with the entities involved in the build process, the claimed subject matter mitigates a need for the user to specify trust levels for each entity as taught by Jerger ever while safely executing the build process. However, the Examiner respectfully disagrees. First of all, the Examiner interprets the present claimed invention as a general software build process combining a step of determining/indicating/marketing the levels of trust of the build process according

user specified levels of trust for each build entries (see for example, third paragraph in page 2 of the specification, "sandboxing allows the developer to mark different build entities as fully trusted, semi-trusted or untrusted." [emphasis added]) and user defined build policy (see for example, second paragraph of page 2). It can be seen that the current application also required manually input for specifying level of trust for each entities and other build policy as the Applicants argued. Jerger discloses a method of configuration of a system security policy that is stored on a host computer, (see for example, Figure 8, items 812 Unsigned Permissions, 814 Trusted Signed Permissions, 816 Untrusted Signed Permissions and related text; also see Fig.11, specified/attached permission set to the class), wherein each class is analyzing and determining levels of permission/trust (see for example, Fig.13A-C, step 1312, "Is class digitally signed?", step 1324 "Fail", step 1338, 1318 "Grant requested Permissions", "Store any Granted Permissions with the Class"). Moreover, it should be noted that claim1 recites "determinate one or more levels of trust within which the build process operates" which includes "a principal permission level" that is determined and dictated by the lowest level of trusted of all involved build entities, but does not define what each of level of trust relates to or how to impact the execution of the build process and thus can be reasonable interpreted as merely indicating all the levels of trust and/or permission for the build process. Therefore, as Jerger disclosed above wherein each of the class (entity) is analyzed and determined the levels of trust for the execution, it is also

including the lowest level of trust of class (entity) as recited in the claim.

Therefore, Cynerman and Jerger do disclose all the limitations as the Applicants argued.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8-16, 18-20 and 22-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cynerman (Michael Cynerman, Automate your build process using Java and Ant) in view of Jerger (US 6,321,334).

Claim 1:

Cynerman discloses a system that facilitates management of a build process, comprising:

- a build process that processes one or more build entities (see for example, p.1, section Introducing the powerful XML-based scripting tool, Ant. "A defined build process" and related description); and
- a policy component that is processed by the build process within which the build process operates (see for example, p.3, example of simple.xml file includes build policy/rules for build process)

Cynerman also discloses using "include/exclude" and "unless" entities to match the pattern in the name attribute from the compilation (see for example, p.6, first and second paragraphs). But Cynerman does not explicitly disclose determining one or more levels of trust within which the build process operates.

However, Jerger in the same analogous art of computer-based system discloses a method of configuration of a system security policy that is stored on a host computer, (see for example, Figure 8, items 812 Unsigned Permissions, 814 Trusted Signed Permissions, 816 Untrusted Signed Permissions and related text), wherein the one or more build entities are each associated with one or more levels of trust, such that at build time, a principal permission level under which the build process executes is determined by analyzing the levels of trust associated with each of the build entities, and lowest level of trust of all involved build entities dictates the principal permission level for execution of the build process (see for example, Fig.11, specified/attached permission set to the class, Fig.13A-C, step 1312, "Is class digitally signed?", step 1324 "Fail", step 1338, 1318 "Grant requested Permissions", "Store any Granted Permissions with the Class"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to define those different levels of trust for the build entities and use Cynerman's "unless" entities to match the pattern in the name attribute about the levels of trust from the compilation. One would have been motivated to do so to secure the build process by automatically administering the decision to grant or deny permissions to specific build entities

as suggested by Jerger (see for example, col.2, lines 27-51)

Claim 2:

Cynerman and Jerger disclose the system of claim 1, Jerger further discloses the levels of trust include levels that are representative of trusted (Unsigned Permissions), semi-trusted (Trusted Signed Permissions), and untrusted (Untrusted Signed Permissions). (see for example, Figure 8, items 812 Unsigned Permissions, 814 Trusted Signed Permissions, 816 Untrusted Signed Permissions and related text).

Claim 3:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the policy component includes one or more policy files that are processed by the build process (see for example, p.3, example of simple.xml file includes build policy/rules for build process).

Claim 4:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the policy component includes one or more policy files that are processed by the build process before the one or more build entities are built (see for example, p.3, example of simple.xml file includes build policy/rules for build process).

Claim 5:

Cynerman and Jerger disclose the system of claim 1, Cynerman further discloses the one or more entities include at least one of a project, a task, a logger, and operating system (OS) account information (see for example, p.3, example of simple.xml file includes project; also see example command line, p.7, XmlLogger for writing a reporting tool).

Claim 6:

Cynerman and Jerger disclose the system of claim 1, Jerger further discloses at least one of the one or more build entities are each associated with the one or more of the levels of trust, which associations are defined in the policy component via at least one of a user-definable policy file and a default policy file, at least one or both of which are processed to determine the level of trust for the build process (see for example, Figure 4A, set the security level for this zone, items 408-412 and related text; also see col.18, lines 51-63, "each security zone has a default security level, which is used if not changed by a user").

Claim 8:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses a computer that employs the system of claim 1 (see for example, p.3, lines 3-4, NT machine).



Claim 9:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses a server that employs the system of claim 1 (see for example, p.3, line 3, server's operating system).

Claim 10:

Cynerman and Jerger disclose the system of claim 1, Cynerman also discloses the system of claim 1, the entity is received at least by one of downloading from a website, as part of an e-mail, and a version control system (see for example, p.2, line 1, CVS- Handles package/modules retrieved from a CVS repository).

Claim 11-15:

Claims 11-15 are another system version of claims 1-6 and 8-10 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above. Thus, they also would have been obvious.

Claim 16:

Cynerman and Jerger disclose the system of claim 11, Jerger further discloses an option for setting custom permission level (see for example, Figure 8, item 816 and 824, "Refuse untrusted permission without asking" and related text). Therefore, it would have been obvious that the build process would exclude and

not build those entities when the permission level is representative of untrusted.

Claim 18:

Cynerman and Jerger disclose the system of claim 11, Cynerman further discloses the one or more policy files are written in XML (see for example, p.3, example of simple.xml file includes build policy/rules for build process)

Claim 19:

Cynerman and Jerger disclose the system of claim 11, Cynerman further discloses the one or more policy files are adjusted automatically according to one or more parameters (see for example, p.3, bottom line – p.4, line 7 the example of Ant command line parameter, e.g. "init" and related text).

Claim 20:

Claim 20 is computer program product version of the claimed method, wherein all claimed limitation functions have been addressed in claims 1-6 and 8-10 above respectively. It is well known in the computer art that such method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media. Thus, they also would have been obvious in view of reference teachings above.

Claim 22:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses the method of claim 20, further comprising sending a message when the build process fails (see for example, p.7, section "Reporting enhancements", BuildEvent, "public Throwable getException()" and related text).

Claim 23:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, providing a level of trust that allows any operation to be performed during the act of performing (see for example, Figure 8, item 816, "Untrusted Signed Permissions", item 826, "Apply to all permissions not specifically allowed" and related text)

Claim 24:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a level of trust that allows only a minimal set of operations to be performed during the act of performing (see for example, Figure 8, item 816 and 824, "Refuse untrusted permission without asking" and related text. Therefore, only trusted permission allows.).

Claim 25;

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a level of trust that aborts the build process during the act of performing (see for example, Figure 4A, "Set the security level for the zone", item 408 "High, exclude content that could damage your computer")..

Claim 26:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the act of associating associates one of the one or more build entities with at least two levels of trust (see for example, Figure 9A, 9C and related text; For setting different Read Access type and Connect Access type).

Claim 27:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses providing a default set of associations between the one or more build entities and one or more levels of trust in the form of a file (see for example, Figure 8, "Edit Custom Permissions", "Save" button can be used to save configuration to file)

Claim 28:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the level of trust is defined according to at least one of user-defined policy data and default policy data (see for example, Figure 4A, default: High, Medium and

Low; User defined: Custom).

Claim 29:

Cynerman and Jerger disclose the system of claim 20, Jerger further discloses, the user-defined policy data overrides the default data where a conflict occurs (see for example, col.18, lines 51-63, "each security zone has a default security level, which is used if not changed by a user").

Claim 30:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses, storing the association of the build entity with the level of trust in the form of a file to which access is restricted (see for example, p.3, example of simple.xml file includes build policy/rules for build process; also see p.6, first and second paragraphs, "include/exclude" and related text).

Claim 31:

Cynerman and Jerger disclose the system of claim 20, Cynerman further discloses, storing the association of the build entity with the level of trust in the form of a file that further relates the use of system resources with the level of trust (see for example, p.6, third paragraph about setting "available" property for using class "com.ibm.bsf.BSFManager").

Claim 32-35:

Claims 32-35 are another system version of claims 1-6 and 8-10 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above. Thus, they also would have been obvious.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Applicant's arguments with respect to claims rejection have been considered but are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).  
  
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192